IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE: **CARLOS J. DIAZ CEBALLOS** **DEBTOR(S)**	**CASE NUMBER: 10-04602 (ESL)** **CHAPTER 13 ASSET CASE)**

DEBTOR'S MOTION UNDER SECTION 1329 OF THE BANKRUPTCY CODE

THE HONORABLE COURT:

COMES NOW, Debtor (s) through the undersigned attorney and respectfully ALLEGES and PRAYS:

1. That debtor (s) filed and circulated a MODIFIED PLAN to all parties in interest.

2. That the modification is based in that the Debtor (s) wants to amend their plan in order to:

a. Amended in order to include specific provisions as to the payments of both RNPM's proof of claims.

3. Debtor (s) amend plan call sixty (60) payments of $400.00 for a total base of $24,000.00 dollars with a provision for the payment of pre petition arrears to RNPM, claim 9-1 and the legal fees to RNMP claim 10-1.

4. Debtor (s) are still is interested in continuing with the bankruptcy procedures and proof if the amendment of the plan in order to comply with the disbursement schedules.

WHEREFORE, Debtor (s) respectfully request from this Honorable Court to accept this motion and grant debtor (s) the opportunity to modify the confirmed plan according to 11 US 1329 and provide any other remedy it may deem appropriate.

NOTICE

"Parties in interest are notified the have twenty one (21) days to reject a proposed modification of a plan and request a hearing. If no opposition is filed within the prescribed period of time, the Court will enter and order granting the motion upon the filing of a certificated of service by the movant that adequate notice was given. Should and apposition be timely filed. The Court will schedule the motion for a hearing as a contested matter. Absent good cause, untimely rejections shall be denied".

In San Juan, Puerto Rico, this 30th, day of December, 2010.

I HEREBY CERTIFY: That I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Chapter 13 Trustee **José R. Carrión, Esq.**, US Trustee **Monsita Lecaroz Arribas** and to all those who in this case have registered for receipt of notice by electronic mail and I hereby certify that I have mailed by regular mail to all creditors listed on the attached Master Address List.

RESPECTFULLY SUBMITTED.

/s/ Marilyn Valdes Ortega
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United States Bankruptcy Court
District of Puerto Rico

IN RE: Case No. 10-04602

DIAZ CEBALLOS, CARLOS JAVIER Chapter 13

Debtor(s)

CHAPTER 13 PAYMENT PLAN

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☑ directly ☐ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED: ______ ☐ PRE ☐ POST-CONFIRMATION

☑ AMENDED PLAN DATED: 12/30/2010
Filed by: ☐ Debtor ☐ Trustee ☑ Other

I. PAYMENT PLAN SCHEDULE

$ 400.00 x 60 = $ 24,000.00
$ ____ x ____ = $ ____
$ ____ x ____ = $ ____
$ ____ x ____ = $ ____
$ ____ x ____ = $ ____

TOTAL: $ 24,000.00

Additional Payments:
$ ____ to be paid as a LUMP SUM within ____ with proceeds to come from:

☐ Sale of Property identified as follows:

☐ Other:

Periodic Payments to be made other than, and in addition to the above:
$ ____ x ____ = $ ____

PROPOSED BASE: $ 24,000.00

III. ATTORNEY'S FEES
(Treated as § 507 Priorities)

Outstanding balance as per Rule 2016(b) Fee Disclosure Statement: $ 2,400.00

Additional Fees 350
Balance 2,750

Signed: */s/ CARLOS JAVIER DIAZ CEBALLOS*
Debtor

Joint Debtor

II. DISBURSEMENT SCHEDULE

A. ADEQUATE PROTECTION PAYMENTS OR ____ $ ____
B. SECURED CLAIMS:
☐ Debtor represents no secured claims.
☑ Creditors having secured claims will retain their liens and shall be paid as follows:
1. ☑ Trustee pays secured ARREARS:

Cr. RNPM	Cr. RNPM (PR ACQUISI1	Cr.
# CL 10-1	# CL 9-1	#
$ 7,800.00	$ 1,208.59	$

2. ☐ Trustee pays IN FULL Secured Claims:
Cr. ____ Cr. ____ Cr. ____
____ # ____ # ____
$ ____ $ ____ $ ____
3. ☐ Trustee pays VALUE OF COLLATERAL:
Cr. ____ Cr. ____ Cr. ____
____ # ____ # ____
$ ____ $ ____ $ ____
4. ☑ Debtor SURRENDERS COLLATERAL to Lien Holder:
AEELA
5. ☐ Other:
6. ☑ Debtor otherwise maintains regular payments directly to:
RNPM (PR ACQUISI1

C. PRIORITIES: The Trustee shall pay priorities in accordance with the law. 11 U.S.C. § 507 and § 1322(a)(2)
D. UNSECURED CLAIMS: Plan ☐ Classifies ☑ Does not Classify Claims.
1. (a) Class A: ☐ Co-debtor Claims / ☐ Other:
☐ Paid 100% / ☐ Other:
Cr. ____ Cr. ____ Cr. ____
____ # ____ # ____
$ ____ $ ____ $ ____
2. Unsecured Claims otherwise receive PRO-RATA disbursements.

OTHER PROVISIONS: (*Executory contracts; payment of interest to unsecureds, etc.*)
TRUSTEE TO PAY ATORNEY'S FEES BEFORE ANY SECURED OR PRIORITY CREDITOR.

ANY POST PETITION TAX RETURNS THAT MAY PROSPECTIVELY ARISE FROM ANY TAX REFUND FOR THE DURATION OF THE PLAN WILL BE USED AS NEEDED TO FUND THE PLAN IN ORDER TO MAXIMIZE THE DISTRIBUTION TO GENERAL UNSECURED CREDITORS, AFTER ITS CONFIRMATION AND WITHOUT THE NEED FOR ANY FURTHER NOTICE, HEARING OR COURT ORDER, THE PLAN SHALL BE DEEMED MODIFIED BY THE INCREMENT(S) TO ITS BASE.

Attorney for Debtor **Marilyn Valdes Ortega Law Offices** Phone: **(787) 758-4400**

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